

CHAPTER 1.0

Introduction

The Bureau of Land Management (BLM) is developing a Recreation Area Management Plan (RAMP) and Amendment to the California Desert Conservation Area Plan for the Imperial Sand Dunes Recreation Area. The Planning Area encompasses the Imperial Sand Dunes (ISD) Special Recreation Management Area (SRMA) including the North Algodones Dunes Wilderness and an additional approximately one-mile-wide zone (excluding land in Mexico) surrounding the ISD SRMA (Table 1-1, Map 1-1). The Planning Area is located in eastern Imperial County, California, and is within the California Desert Conservation Area (CDCA; see Map 1-1). Although the Planning Area contains approximately 12,000 acres of non-federal lands, planning and implementation decisions only apply to BLM-administered public lands.

TABLE 1-1
PLANNING AREA ACREAGE (BLM Acres)

Description	BLM-administered Acres
ISD SRMA (excluding North Algodones Dunes Wilderness)	138,111
North Algodones Dunes Wilderness	26,098
One-mile-wide planning zone around the ISD SRMA	50,722
Total Acres in ISD Planning Area	214,930

The BLM has determined that an Environmental Impact Statement (EIS) is necessary for the analysis of the RAMP and CDCA Plan Amendment, consistent with the National Environmental Policy Act of 1969 (NEPA). This document follows the Council on Environmental Quality (CEQ) Regulations (40 Code of Federal Regulations [CFR] 1500–1508) for Implementing the Procedural Provisions of the NEPA (42 United States Code [USC] 4321 et seq.), the Department of the Interior's Regulations for Implementation of NEPA (43 CFR Part 46), the BLM's Resource Management Planning Regulations (43 CFR 1601-1610), BLM's NEPA Handbook (H-1790-1), and BLM *Land Use Planning Handbook* (H-1601-1). The Proposed RAMP and Plan Amendment include proposed land use plan decisions that may be protested to the Director of the BLM and proposed implementation level decisions that may be appealed to the Interior Board of Appeals. A further discussion of protests and appeals is included below in Section 1.7.1.

The Department of the Interior (DOI) BLM is the lead agency for the RAMP/CDCA Plan Amendment/EIS. The BLM has authority over the description of the proposed action and alternatives, format and analysis of the RAMP/EIS, stakeholder collaboration, public involvement procedures, and decisions.

The BLM must comply with all applicable federal laws, regulations, and agency policies when addressing a wide variety of issues and analyzing a reasonable range of alternatives for the BLM-administered lands and resources within the Planning Area. The Planning Area contains the largest mass of sand dunes in California, covering an area more than 40 miles long and averaging 5 miles in width. The Planning Area is considered a world-class off-highway vehicle (OHV) recreation area and is a well-known recreation resource for local residents and visitors from the southwestern United States and beyond. The Planning Area is the most intensively used OHV recreation area that the BLM manages nationwide, with approximately one million visitors per year. In addition, the Planning Area is frequently used as a backdrop for commercials and movies because of its unique beauty and landscape. The Planning Area also provides wilderness recreation opportunities and unique habitat for several endemic and sensitive plant, insect, and animal species.

Because of the overwhelming popularity and regional importance of the Planning Area to visitors, recreational enthusiasts, and others, the ISD SRMA requires careful management to protect its recreational and other resource uses, and its natural, biological, and cultural resources. As the steward of the ISD SRMA, the BLM is charged with the responsibility to oversee and manage this ecologically complex and beautiful public treasure. The BLM has developed this RAMP as a tool for long-range planning and management oversight of these important resources.

Finally, the Proposed RAMP/CDCA Plan Amendment has been adjusted to be consistent with the Final Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States (Solar PEIS). The preferred alternative changes some lands from available for solar energy development to excluded where those lands were bordered by exclusion areas in the Solar PEIS.

1.1 Changes between the Draft and Proposed Plan

Comments on the Draft RAMP/Draft EIS received from the public and internal BLM review were considered and incorporated as appropriate into the proposed plan. Public comments resulted in a variety of clarifications and modifications throughout the Proposed RAMP/CDCA Plan Amendment and Final EIS. Revisions made between the Draft RAMP/CDCA Plan Amendment and Draft EIS and the Proposed RAMP/CDCA Plan Amendment and Final EIS include the following: quantification of some management goals and objectives; clarification of multiple-use classes and visual resource management; consideration of lands with wilderness characteristics; modifications to alternatives regarding camping in the Dunebuggy Flats area; and modifications to implementation-level decisions to correctly categorize them as plan-level decisions or implementation actions. The Proposed RAMP/CDCA Plan Amendment

and Final EIS also considers changes to Areas of Critical Environmental Concern (ACEC); including the Plank Road, East Mesa, and North Algodones Dunes ACECs. The Preferred Alternative would retain the existing 416-acre Plank Road ACEC; reduce the East Mesa ACEC from 6,454 acres to 5,799 acres; and eliminate the North Algodones Dunes ACEC in order to remove redundant management prescriptions between this ACEC and the North Algodones Dunes Wilderness.

1.2 Purpose of and Need for Action

This Proposed RAMP would update the 1987 ISD RAMP and amend the 1980 CDCA Plan, including subsequent CDCA Plan amendments (e.g., Northern and Eastern Colorado Desert Management Plan, 2002). The Proposed RAMP has been designed to manage and provide a variety of sustainable OHV and other recreational activities, and to maintain or improve the conditions of the special status species and other unique natural, biological, and cultural resources, while creating an environment to promote the health and safety of visitors, employees, and nearby residents.

1.2.1 Need

Since the previous 1987 RAMP, Peirson's milk-vetch (PMV; *Astragalus magdalenae* var. *peirsonii*) has been listed as threatened under the Endangered Species Act (ESA) and critical habitat has been designated by the U.S. Fish and Wildlife Service (USFWS). Since listing of the PMV, extensive biological surveys for numerous other species have been completed. In addition, cultural resource surveys and ethnographic studies have been completed. In 1994, the California Desert Protection Act established the North Algodones Dunes Wilderness.

Continued population growth in the urban and non-urban areas and shifting demographic patterns in southern California and Arizona have increased the demand for outdoor recreation within the Planning Area and nearby areas. Management challenges continue, with BLM striving to encourage appropriate recreational use and discourage inappropriate use, while respecting the freedom of visitors to enjoy recreation within the Planning Area.

Within southern California, the demand for renewable energy is increasing. There is a need to determine which BLM-managed land in the Planning Area, if any, should be made available for solar, wind, and geothermal development.

1.2.2 Purpose

The BLM seeks to provide a comprehensive management plan to address management of the Planning Area. The BLM's purpose in rewriting the RAMP is to use new

information to better manage the Planning Area for the recovery and delisting of the PMV and Mojave population of the desert tortoise (*Gopherus agassizii*); provide protection to other special status species; prevent additional listings; and manage resources while providing a world-class recreational experience. Whether that recreational experience means traversing a sand dune on an OHV, watching migratory birds gather in the microphyll woodlands, or camping under the stars in the North Algodones Dunes Wilderness, the BLM must manage for a diverse range of recreation within the Planning Area.

The BLM's purpose in amending the CDCA Plan is to support implementation of the selected RAMP. This CDCA Plan Amendment could include changing the Multiple Use Classes (MUCs), establishing Visual Resource Management (VRM) Classes, managing lands with wilderness characteristics, designating avoidance and exclusion areas for land use authorizations, making adjustments in land tenure, and adhering to the designation and minimization criteria for OHV areas and trails found in 43 CFR 8342.1-3.

1.3 Decisions to Be Made

Congress declared that the public lands be managed for multiple use and sustained yield in a manner to protect certain land values, provide food and habitat for species, and provide for outdoor recreation and human occupancy and use (43 USC 1701 (a)(7),(8)). Multiple use management means that public land resources are to be managed to best meet the present and future needs of the American public and be balanced to take into consideration the long-term needs of future generations without permanent impairment of the lands (43 USC 1702(c)). BLM manages public lands through land use planning; acquisition; disposition; and regulation of use, occupancy, and development (Subchapters II and III, respectively, 43 USC 1711 to 1722, and 1731 to 1748).

Federal Land Policy and Management Act (FLPMA) specifically provides that in managing the use, occupancy, and development of public lands, the Secretary shall take any action necessary to prevent unnecessary or undue degradation of the lands (43 USC 1732(b)). The process for developing the Final EIS has included efforts to identify alternatives that accomplish the purpose and need while preventing, to the extent possible, any unnecessary or undue degradation of the lands.

Several alternatives are analyzed in this Final EIS. After consideration of the analysis, BLM will make the following decisions:

1. Should the management of the ISD SRMA, as described in the 1987 RAMP, be changed, and if so, which alternative, or which parts of alternatives, should be chosen in the Record of Decision (ROD)?

2. If the management of the ISD SRMA needs to be changed, how should the CDCA Plan, the *Northern and Eastern Colorado Desert Coordinated Management Plan* (NECO) land use plan amendment, and the *Western Colorado Desert Routes of Travel Designation Plan* (WECO) implementation plan be modified to support those changes?
 - a. Should the MUCs be changed, and if so, what should they be?
 - b. Should VRM classes be established, and if so, what should they be?
 - c. Should areas be designated as open, limited, or closed to OHV use, and if so, what should the areas be and what should their designations be?
 - d. In limited use areas, should routes be designated as open, limited, or closed, and if so, which routes should be designated, what should the designations be, and what should the limitations be, if any?
 - e. Should resource use avoidance and exclusion areas be designated, and if so, what areas, what resource uses, and what designations?
 - f. Should any lands with wilderness characteristics outside of congressionally designated wilderness be managed to protect wilderness characteristics, and if so, what lands?

1.4 Planning Area

The Planning Area for the evaluation conducted in this EIS encompasses the ISD SRMA and an additional approximately one-mile-wide planning zone surrounding the SRMA. Portions of the Planning Area are also currently managed under a BLM plan amendment to the CDCA Plan, NECO, and an implementation level plan for the CDCA, WECO. Only the portions of the NECO and WECO plans that overlap the ISD Planning Area would be affected or modified.

The Planning Area comprises approximately 214,930 acres of BLM-administered land in Imperial County, California, covering an area more than 40 miles long and averaging 5 miles in width. The regional setting of the Planning Area is shown in Map 1-1.

The primary activities in the Planning Area include OHV recreation and camping. Individual non-commercial special recreation permits are required at all times while within the Planning Area (which is the entire fee area) and include the ISD SRMA and the one-mile planning zone around the ISD SRMA. Well-known recreation sites within the fee area include, but are not limited to Buttercup Valley, Gecko and Roadrunner campgrounds, Glamis, Gordons Well, Dunebuggy Flats, Mammoth Wash, Ogilby,

Osborne Overlook, an area along both sides of the Coachella Canal, and Ted Kipf Road (see Map 1-1). The ISD SRMA consists of a typical sand dune habitat with larger dunes found in the central portion of the Planning Area. Microphyll woodlands can be found on the eastern edge of the sand dunes and contain several plant species, including palo verde, mesquite, and ironwood.

1.5 Scoping/Issues

The NEPA and land use planning process includes public involvement through scoping. The CEQ regulations define scoping as an “early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action.” For this RAMP, CDCA Plan Amendment, and EIS, scoping began with the publication of a Notice of Intent (NOI) in the *Federal Register* on March 18, 2008 to prepare an Amendment to the CDCA Plan, as amended, and EIS.

1.5.1 Public Scoping

The formal public scoping period began March 18, 2008 and closed on May 30, 2008. A press release announcing the time and location of the three initial public scoping meetings was sent out on April 4, 2008.

Public scoping meetings were held in San Diego, California; Phoenix, Arizona; and El Centro, California, on April 22, 23, and 24, 2008, respectively. Members of the public attended all three meetings at which time BLM invited participants to submit scoping comments. Resource specialists were present to answer questions and assist in clarifications for the public. During the meetings, attendees were encouraged to take extra information packages and comment forms, and distribute them to interested individuals who were not able to attend the meetings.

Several key issues were identified during the scoping process that were incorporated into the planning process and that were addressed in the development of alternatives for the EIS. These issues include:

- Identification of areas open and closed to motorized OHV recreation
- Identification of other allowable uses within the Planning Area
- Resource protection (microphyll woodland communities, plants, wildlife, cultural resources)
- Law enforcement/public health and safety
- Solid waste/hazardous materials management

- Facilities management

During the scoping period, the BLM received approximately 30 comment letters. Public comments addressed a variety of issues and concerns regarding recreation and resources, as well as management considerations. See Appendix A (Results of Scoping) for details on the issues and concerns that were raised by the public.

The BLM contacted local, state, and federal agencies, including the USFWS, California Department of Fish and Game (CDFG), U.S. Department of the Interior Bureau of Reclamation (BOR), Imperial County, California State Historic Preservation Officer (SHPO), Department of Homeland Security, and the Imperial Irrigation District (IID) during the scoping phase of this EIS. The U.S. Border Patrol (USBP) El Centro Sector and Imperial County Planning Department requested cooperating agency status for the RAMP/CDCA Plan Amendment/EIS effort. BLM also contacted nine tribal entities to initiate government-to-government consultation and solicit information about issues of concern for the RAMP. The BLM will maintain contact with all tribes interested in this planning process.

1.5.2 Planning Issues

The BLM *Land Use Planning Handbook* defines planning issues as “disputes or controversies about existing and potential land and resource allocations, levels of resource use, production, and related management practices” (BLM 2005a). Issues identified during scoping for this RAMP/CDCA Plan Amendment and EIS process comprise two categories:

- Issues within the scope of the planning process that are used to develop alternatives or are otherwise addressed in the RAMP/CDCA Plan Amendment and EIS
- Issues outside the scope of the planning process or that could require policy, regulatory, or administrative actions that cannot be addressed through the land use planning process

Those planning and implementation issues determined to be within the scope of the planning process were used to develop the alternatives or are addressed in other parts of the RAMP and EIS. The key issues identified in the scoping report were:

- Identification of areas that are open and closed to OHV recreation
- Need for an Adaptive Management Area
- Need for administrative closures to protect biological resources
- Identification of allowable uses within the Planning Area

- Identification of how BLM intends to carry out resource protection (e.g., microphyll woodlands, invertebrates, plants, and cultural resources)

Two issues were identified in the scoping report, but determined to be outside the scope of this planning process: concerns about the commercial vending program and the recreation fee program. The commercial vending and recreation fee programs are managed under 43 CFR 2930—Permits for Recreation on Public Lands. The recreation fee program is also managed under the Federal Lands Recreation Enhancement Act (FLREA) with the Recreation Resource Advisory Committee as the advisory entity. This RAMP/CDCA Plan Amendment will not address these issues.

1.6 Planning Criteria

Planning criteria are the standards, rules, and guidelines that help guide the EIS process. These criteria influence all aspects of the planning process including inventory and data collection, development of issues to be addressed, formulation of alternatives, analyses of impacts, and selection of the Preferred Alternative. In conjunction with the planning issues, these criteria help focus the planning process and promote the incorporation of appropriate analyses. Planning criteria are developed from appropriate laws, regulations, and policies, as well as public input during the scoping period. The criteria also help guide the final plan selection and are used as a basis for evaluating the responsiveness of the planning options. Additional planning criteria can be added at any point in the planning process.

The following are the planning criteria utilized for this document:

- The plan will be completed in compliance with the FLPMA, NEPA, and all other relevant federal laws, Executive Orders (EOs), and management policies of the BLM.
- The planning process will include an EIS that will comply with NEPA standards.
- The plan will set forth a framework for managing recreational activities in order to maintain existing natural landscapes and critical habitat for the threatened PMV, as well as provide for the enjoyment and safety of the visiting public.
- Where existing planning decisions are still valid, those decisions may remain unchanged and be incorporated into the new RAMP.
- The plans will recognize valid existing rights.
- Native American tribal consultations will be conducted in accordance with policy, and tribal concerns will be given due consideration. The planning process will include the consideration of any impacts on Indian trust assets.

- Consultation with the SHPO will be conducted throughout the planning process.
- Consultation with USFWS will be conducted throughout the planning process.

1.6.1 Laws, Regulations, and Executive Orders

The BLM planning process is governed by the FLPMA of 1976 and the BLM Planning Regulations in 43 CFR Part 1600. Land use plans provide a framework for public lands to be managed in accordance with the intent of Congress as stated in FLPMA, under the principles of multiple use and sustained yield. FLPMA requires the BLM to manage public lands in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition, that will provide food and habitat for fish, wildlife, and domestic animals; and that will provide for outdoor recreation and human occupancy and use.

In addition, public lands must be managed in a manner that recognizes the nation's need for domestic sources of minerals, food, timber, and fiber. Land use plans are a primary mechanism for guiding BLM activities to achieve the agency's mission and goals.

The BLM *Land Use Planning Handbook* provides guidance for preparing land use plans, including specific guidance for each program and resource (BLM 2005a).

In addition to FLPMA, NEPA, and their associated regulations, BLM must comply with the mandate and intent of all federal laws (and any applicable regulations) and EOs that apply to BLM-administered lands and resources in the Planning Area (Appendix B). While many laws may appear to be in conflict with others, the RAMP/EIS process is intended to develop land use plan decisions that resolve such conflicts and meet the multiple-use and sustained-yield mandate of FLPMA.

BLM must also comply with the federal ESA. This act provides for the conservation of ecosystems upon which threatened and endangered species of fish, wildlife, and plants depend. Section 7 of the ESA requires federal agencies to ensure that any action authorized, funded, or carried out by them is not likely to jeopardize the continued existence of listed species or modify their critical habitat.

1.7 Planning Process

The BLM uses an ongoing planning process to maintain consistency and compliance of land use plans and implementation decisions with applicable laws, regulations, and policies. The BLM develops land use management plans and makes decisions using the best information available and extensive public involvement.

1.0 Introduction

While the ultimate responsibility regarding land use plan decisions rests with the BLM on BLM-administered lands, BLM works with individuals, communities, and governments in collaborative partnerships to improve its stewardship of public lands. BLM works with tribal, state, and local governments, state and federal agencies, and other interested parties from the earliest stages and throughout the planning process to consider common needs and goals within the Planning Area. At the same time, BLM should consider existing plans of tribal, state, and local governments, and other federal agencies. Several scoping workshops were held to solicit input from the public on the issues and planning criteria for the Proposed RAMP/CDCA Plan Amendment. Public agencies were invited to participate as cooperating agencies throughout the planning process and have provided valuable information on resources and issues affecting lands under their jurisdiction within the Planning Area.

Land use management plans, including RAMPs, may be revised or amended as the BLM acquires information and knowledge of new circumstances relevant to land and resource values, uses, and environmental concerns.

The specific steps in the development of this RAMP and CDCA Plan Amendment include:

1. Issue an NOI to Prepare the RAMP and CDCA Plan Amendment.
2. Conduct scoping (i.e., public process to assist in the identification of planning issues).
3. Analyze the management situation.
4. Develop alternatives to address planning issues.
5. Analyze the effects of the alternatives.
6. Select a preferred alternative.
7. Publish a draft RAMP/CDCA Plan Amendment and draft EIS.
8. Provide a 90-day public comment period.
9. Publish a Proposed RAMP/CDCA Plan Amendment and Final EIS.
10. Provide a 30-day public protest period and a 60-day Governor's Consistency review, concurrent with the 90-day court review, upon publication of the Proposed RAMP/CDCA Plan Amendment and Final EIS.

11. Resolve any protests or issues raised through the court review and Governor's Consistency review, and approve the RAMP/CDCA Plan Amendment through a ROD.
12. File Notice with the Federal District Court for the Northern District of California indicating that the Proposed RAMP/CDCA Plan Amendment and Final EIS has been issued; provide 90-day review period to ensure that it complies with all court mandates.
13. Implement, monitor, and evaluate plan decisions.

The format and outline for the RAMP/CDCA Plan Amendment adhere to guidance provided in the BLM *Land Use Planning Handbook* (H-1601-1), the 43 CFR 1600 planning regulations, 40 CFR 1500 regulations, NEPA, FLPMA, and all other applicable federal laws. The BLM is publishing the Proposed RAMP/CDCA Plan Amendment and alternatives together with the Final EIS. This document will be followed by the ROD and approved RAMP/CDCA Plan Amendment.

All comments had been considered before this Proposed RAMP/CDCA Plan Amendment and Final EIS was released for a 30-day public review and protest period in accordance with 43 CFR 1610.5-2. The Final EIS will also include public comments received on the Draft RAMP/Draft EIS and the BLM responses thereto.

Eight alternatives, including a No Action Alternative (i.e., 1987 RAMP), have been developed to respond to the issues identified at the onset of the planning process. Each alternative comprises a distinct RAMP and provides different approaches to resolving the planning issues and concerns. These alternatives have been developed in close coordination with cooperating agencies, interested public, and other agencies through a series of workshops and meetings. The objective in alternative formulation is to develop realistic solutions which could be implemented.

1.7.1 Plan Level and Implementation Level Decisions

The BLM must distinguish between land use plan and implementation decisions in all plan amendment documents, and clearly describe for the public the administrative remedies for each type of decision. This Proposed RAMP/CDCA Plan Amendment includes proposed plan decisions that may be protested to the Director of the BLM as provided through 43 CFR 1610.5-2, and proposed implementation decisions that may be appealed to the Office of Hearings and Appeals once the ROD is signed. In addition, the planning regulations in 43 CFR 1610.3-2(e) require that land use plans are consistent with officially approved or adopted resource related plans or with officially approved and adopted resource-related policies and programs of other federal agencies, the state, local governments, and Indian tribes so long as those plans and guidance are also consistent with the purposes, policies, and programs of federal laws and regulations

applicable to public lands. The Governor of a state may provide recommendations regarding inconsistencies between its officially approved or adopted resource plans or related policies and programs to the BLM State Director. If the recommendations are not accepted by the BLM State Director, the Governor may appeal to the Director of the BLM, who shall accept the recommendations of the Governor if he determines that they provide for a reasonable balance between the national interest and the state's interest. More information on protests and appeals is included in the Dear Reader letter at the beginning of this document.

The BLM Land Use Planning Handbook H-1601-1 defines land use plan decisions as "broad-scale decisions [that] guide future management actions and subsequent site-specific implementation decisions" (2005a). Appendix C of this handbook identifies specific planning considerations for individual BLM programs. Land use planning decisions in this document that may be protested include the following:

- Adoption of area-wide management actions to comply with the Clean Air Act.
- Adoption of regional (California Desert District) Rangeland Health Standards, as appropriate for the Planning Area, to protect soil, water, and vegetation
- Identification of desired outcomes, strategies, restoration opportunities, use restrictions, and management actions to conserve and recover special status species and other priority species and habitats
- Identification of cultural resource protection measures and restrictions on uses of other resources to protect cultural resources values
- Identification of criteria and use restrictions to protect paleontological resources
- Designation of VRM Classes
- Identification of decisions to protect or preserve wilderness characteristics
- Designation of SRMAs and recreation management zones (RMZs)
- Designation of OHV Management Areas as open, closed, or limited
- Identification of lands for retention, disposal, acquisition, or withdrawal
- Identification of right-of-way avoidance and exclusion areas
- Where and under what circumstances authorizations for use, occupancy, and development (major lease and land use permits) may be granted
- Identification of potential development areas for renewable energy projects (e.g., solar and wind), communications sites, and other uses

- Identification of areas open to leasing for oil, gas, and geothermal resources
- Identification of areas recommended for closure to the mining laws for locatable minerals and areas to be open or closed to mineral sales
- Designation of new ACECs or modifications to existing ACECs

Implementation decisions generally constitute the BLM's final approval allowing on-the-ground actions to proceed. Appendix C of the Land Use Planning Handbook identifies possible implementation decisions for specific BLM programs. Implementation decisions in this document that may be appealed include the following:

- Site-specific camping, parking, and other restrictions to protect special status species or wildlife habitat
- Management of wildlife guzzlers, fuels management, and placement of fencing, signing, or other facilities to protect wildlife habitat
- Signing, fencing, interpretive sites, or other facilities to protect cultural and paleontological resources
- Management and design of actions and facilities to meet VRM class objectives
- Site-specific protection measures to protect lands with wilderness characteristics
- Design, development, management, and administration of recreation sites and facilities within RMZs
- Designation of individual routes and trails within OHV management areas as open, limited, or closed
- Site-specific management actions and plans for ACECs

1.7.2 Relationship to Policies, Plans, and Programs

Implementation of a revised management plan for public lands is subject to numerous laws and regulations, as well as a general requirement for consistency with pre-existing and applicable plans. The following sections summarize the most pertinent policies, plans, and programs that affect the planning processes for the Planning Area.

1.7.2.1 Federal Land Policy and Management Act

Pursuant to the FLPMA of 1976, 43 USC 1701 et seq., the BLM is directed to manage the public lands and their resources on the basis of multiple use and sustained yield principles. As required by FLPMA, public lands must be managed in a manner that:

protects the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values; would preserve and protect, where appropriate, certain public land in their natural condition; that would provide food and habitat for fish, wildlife, and domestic animals; and that would provide for outdoor recreation and human occupancy and use. In addition, public land must be managed in a manner that recognizes the nation's need for domestic sources of minerals, food, timber, and fiber from public land. Land use plans are a primary mechanism for guiding BLM activities to achieve the BLM's mission and goals.

1.7.2.2 California Desert Conservation Area Plan 1980

The CDCA encompasses 25 million acres of land in southern California that were designated by Congress in 1976 through FLPMA. The BLM directly administers approximately 11 million acres of the CDCA. With the designation of the CDCA, Congress directed the BLM to prepare and implement a comprehensive long-range plan for the management, use, development, and protection of public lands within the CDCA. The 1980 CDCA Plan, as amended, is based on the concepts of multiple use, sustained yield, and maintenance of the environmental quality. The CDCA Plan provides overall regional guidance for management of the public lands in the CDCA, and establishes long-term goals for protection and use of the California desert. The CDCA Plan established four MUC guidelines to address allowable uses and activities such as motorized-vehicle access and recreation, among other resource uses. These MUCs are:

- Class C (Controlled Use): These lands are to be preserved in a natural state, and access generally is limited to non-motorized, non-mechanized means (e.g., by foot or horseback).
- Class L (Limited Use): These lands are managed to protect sensitive, natural, scenic, ecological, and cultural resource values. They provide for generally lower intensity and carefully controlled multiple uses that do not significantly diminish resource values.
- Class M (Moderate Use): These lands are managed in a controlled balance between higher intensity use and protection. A wide variety of uses, such as mining, livestock grazing, recreation, and energy and utility development are allowed. Any damage caused by permitted uses must be mitigated.
- Class I (Intensive Use): These lands are managed for concentrated use to meet human needs. Reasonable protection is provided for sensitive natural values, and mitigation of impacts and rehabilitation of impacted areas will occur when possible.

The Planning Area, as currently managed, contains all four MUCs, as described in Table 1-2 below.

TABLE 1-2
MUCs¹ WITHIN THE ISD

MUC C	MUC L	MUC M	MUC I
North Algodones Dunes Wilderness	Large Central Portion of the ISD	Area between Old Coachella Canal and New Coachella Canal	Mammoth Wash Area
	Ogilby Area		Dunebuggy Flats Area
			Glamis Area
			Buttercup Area
			Gecko Area

¹CDCA listings

The CDCA Plan, as amended, identifies three ACECs within the Planning Area to protect sensitive cultural and natural resources. The Plank Road ACEC, located in the southern portion of the Planning Area, contains a portion of the historic Plank Road. The East Mesa ACEC, located on the west side of the Planning Area near Gordon's Well, was designated as an ACEC to protect natural and cultural resources, including habitat for the flat-tailed horned lizard (*Phrynosoma mcallii*). The flat-tailed horned lizard was proposed for listing under the federal ESA as a threatened species, but later withdrawn from consideration. The flat-tailed horned lizard is currently listed as a BLM sensitive species and is managed under the *Flat-tailed Horned Lizard Rangewide Management Strategy* (Flat-tailed Horned Lizard Interagency Coordinating Committee 2003). The North Algodones Dunes ACEC, located within the North Algodones Dunes Wilderness, was designated by a CDCA Plan Amendment 1990, prior to the 1994 Congressional designation as wilderness.

Since 1980, the CDCA Plan has been amended periodically to reflect changing conditions, including the acquisition of new knowledge relating to natural resources, including inventories of public land resources, and to update management strategies. The current effort to update the RAMP for the Planning Area could amend certain parts of the CDCA Plan, depending on the alternative.

1.7.2.3 California Desert Protection Act

The California Desert Protection Act (CDPA) of 1994 (Public Law [PL] 103-433) established the North Algodones Dunes Wilderness to be managed by BLM as a part of the National Wilderness Preservation System. Prior to passage of the CDPA, the BLM studied both the North Algodones and South Algodones wilderness study areas (WSAs) for possible wilderness designation under Section 603 of FLPMA. No wilderness was designated for the South Algodones Dunes in the act. Congress also indicated in the CDPA that the South Algodones Dunes WSA had been adequately studied for wilderness designation pursuant to Section 603 of FLPMA and would be released from

WSA status. As part of this planning process, however, BLM will evaluate if lands not designated as wilderness contain wilderness characteristics, and if so, whether to manage these lands to protect wilderness characteristics present on the parcels.

1.7.2.4 ISD RAMP 1987

The Secretary of the Interior designated the Imperial Sand Hills Recreation Lands in 1972. The BLM also prepared a recreation management plan for the area in 1972. Portions of this plan were implemented, including the establishment of the Algodones Natural Area north of State Route 78 (SR-78), and construction of 5.3 miles of the Sand Dunes Road (now called Gecko Road) south of SR-78, the Cahuilla Ranger Station, and Gecko campground facilities along Gecko Road. In 1977, plant studies revealed the presence of a number of sensitive species in the central dunes along the proposed Gecko Road alignment. To protect habitat for sensitive plants, BLM decided not to extend the road beyond its terminus at the site of Roadrunner Campground. In 1987, an updated RAMP was adopted and included management prescriptions for the following: recreation opportunities, safety/emergency services/visitor protection, resource protection, protection of wilderness suitability, public contact and interpretation, facility development, operations and maintenance, concessions and vendors, access easements and land acquisitions, and compatibility of land uses. The 1987 RAMP did not address federally listed species or habitat, since none were listed or designated at the time.

1.7.2.5 Interim Closures 2001

In 2000, a group of environmental organizations filed suit against the BLM alleging that BLM was in violation of Section 7 of the ESA by failing to enter into formal consultation with the USFWS on the effects of adoption of the CDCA Plan, as amended, upon threatened and endangered species.

Through a negotiated settlement, the BLM acknowledged that activities authorized or permitted under the CDCA Plan may adversely affect threatened and endangered species. The BLM acknowledged the requirement to consult with the USFWS as part of the process to adopt and implement the CDCA Plan so that it is not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of designated critical habitat of listed species. As a result of this acknowledgment, the BLM entered into a settlement agreement whereby BLM agreed to close certain portions of the Planning Area to OHV use while it developed an updated RAMP. The BLM agreed that those areas would not be reopened until the ROD for the RAMP was signed. In October 2001, the BLM issued a *Federal Register* notice closing portions of the Planning Area to OHV use pursuant to 43 CFR 8341.2(a).

1.7.2.6 ISD RAMP 2003

The 1987 ISD RAMP was updated in 2003 to provide a guide for management activities and to establish management actions for the Planning Area. It was designed to provide a variety of sustainable OHV and other recreational activities, and to maintain or improve the conditions of the special status species and other unique natural and cultural resources, while creating an environment to promote the health and safety of visitors, employees, and nearby residents.

The ROD for the 2003 ISD RAMP was signed in March 2005. The ROD, the RAMP, its associated Final EIS, and supporting biological opinion (BO) were challenged in Federal District Court. In a 2006 federal court order, the Final EIS, ROD, and BO for the PMV were vacated and remanded to the agencies for further consideration. The court also remanded the RAMP to the BLM for further consideration. In its order, the court determined that the BLM was in violation of NEPA for its failure to consider the interim closure alternative as a full alternative and to take a hard look at endemic invertebrate species.

The court further determined that the BLM's approval of the RAMP based on outdated invertebrate species inventory was arbitrary and capricious. The court ordered the BLM to retain the negotiated closures. As a result of the court's direction and remand of the 2005 ROD and EIS, and the remand of the 2003 RAMP, the BLM has managed the Planning Area using a compilation of authorizations, including the approved 1987 RAMP; measures implemented pursuant to, but before, the 2003 RAMP was invalidated; and wilderness designation. As required, the BLM has retained the interim closures.

The 2006 court order also vacated and remanded the previous USFWS critical habitat designation for the federally threatened PMV. On February 14, 2008, the USFWS published a final rule revising critical habitat for the PMV.

1.7.2.7 Northern and Eastern Colorado Desert Coordinated Management Plan

The NECO is a landscape-scale, multi-agency planning effort that protects and conserves natural resources while simultaneously balancing human uses of the California portion of the Sonoran Desert ecosystem. The NECO amended the 1980 CDCA Plan to make it compatible with desert tortoise conservation and recovery.

The NECO planning area overlaps the ISD Planning Area in the eastern portion between the SRMA boundary and the Planning Area boundary. When approved, the ISD RAMP will replace the NECO decisions in the overlap area. In all other respects, the NECO planning area remains unchanged.

1.7.2.8 Western Colorado Desert Routes of Travel Designations

The WECO implementation plan and environmental assessment (EA) establish site-specific route designations that are based on and tiered to the 1980 CDCA Plan and EIS (BLM 2003b).

The WECO planning area covers approximately 475,000 acres and designated approximately 2,320 miles of open off-road vehicle routes in parts of Imperial County. The plan provides a balance between protecting resources and providing for OHV use by updating previous designations for off-road vehicle limited use areas in Imperial County.

The WECO planning area overlaps the ISD Planning Area. When approved, the ISD RAMP will replace the WECO decisions in the overlap area. In all other respects, the WECO planning area remains unchanged.

1.7.2.9 Related Plans and Programmatic Records of Decision

The BLM-administered lands in the Planning Area are presently managed under the CDCA Plan, as amended by the *Recreation Area Management Plan and Environmental Assessment for the Imperial Sand Dunes* (BLM 1987), and the NECO plan amendment and WECO implementation plan amendment.

The RAMP/EIS will incorporate the following BLM programmatic NEPA documents, including the RODs and environmental analyses:

- *Record of Decision for the Final Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement* (PEIS; 2007a)
- *Wind Energy Development on BLM-administered Lands in the Western United States Final Programmatic Environmental Impact Statement* (FPEIS; 2005b)
- *Record of Decision and Resource Management Plan Amendments for Geothermal Leasing in the Western United States* (2008a)
- *Record of Decision and Resource Management Plan Amendments for Designation of Energy Corridors on BLM-Administered Lands in the 11 Western States* (2008b)

To the extent consistent with the purposes, policies, and programs of federal laws and regulations applicable to public lands, the BLM will also coordinate land use planning and management of the public lands with state and local governments as well as other federal agencies. Relevant federal, state, and local plans include:

- Desert Tortoise Recovery Plan (USFWS 1994a)
- Imperial County General Plan (1993)
- California State Off Highway Motor Vehicle Recreation Strategic Plan (2010)

1.7.2.10 New Information

Since the 1987 RAMP was approved, many new studies and sources of information have been generated. While much of this information was considered in the 2003 RAMP, some of it has been generated since then. The BLM has considered this information in the development of alternatives, existing condition information, and in the analysis of impacts in this EIS.

The critical information that has changed since the 1987 ISD RAMP was approved includes:

- Designation of the North Algodones Dunes Wilderness
- Designation of listed species and critical habitat for species protected under the ESA, specifically, designation of PMV, a federally threatened plant, and its critical habitat, and the Mojave population of the desert tortoise, a federally listed threatened animal, found in the Planning Area.
- Changes in the social and economic conditions of Imperial County and areas adjacent to the Planning Area, as well as the entire state of California, since 1987. These changes have led to increases in demand for use of the public lands for recreation and resource use as well as an increased awareness and social value placed on the cultural and natural resources in the Planning Area.
- Recreation on public lands has changed dramatically over the past 25 years, both in levels of use and in the kinds of recreational activities. Much advancement has been made in recent years in the development of motorized vehicles that frequent the Planning Area. The BLM visitor use statistics show that visitation has steadily increased in years past, but has recently begun to level off.
- Revisions to BLM's guidance and policy related to land use planning, energy development, fire management, and other programs since the 1987 plan was approved. In 2008, the BLM published a new NEPA Handbook (H-1790-1) with updated guidance on EIS development.
- Updated inventories of invertebrates, plant and animal (including bird) surveys, and cultural resource inventories.

Both the 1987 and 2003 RAMPs were plan-level and implementation-level documents. Both plans approved management of the Planning Area on a programmatic planning- and activity-specific basis. While plan-level decisions require no additional NEPA review once approval occurs, implementation-level decisions often require additional NEPA compliance.

1.8 Overall Vision

The vision of the BLM in constructing this Proposed RAMP/CDCA Plan Amendment and Final EIS is to manage BLM-administered lands comprehensively to accomplish needs for all resource uses, while acting as stewards of the land and its valuable resources. The BLM will strive to provide a world class recreational experience, while aiding in the recovery of listed species. The BLM sustains the health, diversity, and productivity of public lands for use and enjoyment of present and future generations. The BLM has considered the public's needs and stakeholder values in the management programs of resources presented in this Proposed RAMP/CDCA Plan Amendment and Final EIS.